CIVILED STATES DISTRICT COCKT		
SOUTHERN DISTRICT OF NEW YORK		
	**	
THE AVON COMPANY f/k/a NEW AVON LLC	х	
and LG H&H CO., LTD f/k/a LG HOUSEHOLD &		ORDER
HEALTHCARE, LTD.,	:	ORDER
, ,	:	22 Civ. 4724 (AKH)
Plaintiffs,	:	
-against-	:	
-agamst-	:	
	:	

FAREVA MORTON GROVE, INC. and FAREVA: S.A.,

Defendants.

## ALVIN K. HELLERSTEIN, U.S.D.J.:

LINITED STATES DISTRICT COLIRT

The parties shall take the following actions, as decided at today's conference:

- 1. The parties shall submit briefing on the issue of termination for cause versus for convenience, to be filed simultaneously by January 11, 2024. Simultaneous replies will be due by January 23, 2024. The briefing shall not duplicate the record already established at the preliminary injunction hearing.
- 2. Each side is permitted to take three more depositions each, and the Court is amenable to additional depositions in the future. Avon should take the deposition of Mr. Petras and Mr. Allou, and shall convene with Fareva in good faith to determine who from the remaining list of possible witnesses can be contacted, given the difficulties of accessing individuals abroad who may not work at the company any longer. Fareva may take the depositions of Mr. Kang and Mr. Lee, in addition to a third witness of its choosing, subject to the limitation outlined below. The documents underlying the prior deposition of Avon's PWC expert should be produced and turned over to Fareva. Fareva may ask this consultant further questions in connection with the documents, but such questioning may not be duplicative of what has already been asked of the witness at the prior deposition. That is to say, Fareva may not attempt to retake the same

deposition of this witness that it already took. All depositions should be limited to the issue of contract negotiation as it informs the reasonableness of liquidated damages. Further, all depositions shall be completed by the end of the month of January.

- 3. The parties will appear for a follow-up conference at the Court on February 15th, 2024 at 10:30 a.m.
- 4. Fareva may file an amended answer which includes the affirmative defense of liquidated damages as a penalty. This answer will be due January 5, 2024.

SO ORDERED.